REMARKS

Claims 1 and 6-18 are pending in the patent application. The Examiner has rejected Claims 1 and 6-18 under 35 USC 103(a) as unpatentable over Boyle, et al in view of Dragosh.

Applicant first contends that the Dragosh patent publication, 2005/0131704, should not be available as a prior art reference against the present application. While the Dragosh patent publication indicates that it is a continuation of prior patent application in a series of continuation applications dating back to an initial filing on April 14, 1997, a review of the patents that have issued in that series of applications shows that the passage cited against the present claim language *is not found* in the patent that issued on the original parent application (USP 6,078,886 which issued on SN 08/833,210 filed on April 14, 1997) *nor is the passage found* in the patent that issued on the first continuation application (USP 6,366,886 which issued on SN 09/533,820 filed on March 24, 2000). The cited passage from the last 3 lines of paragraph [0006] of the presently-cited Dragosh patent publication, stating "wireless networks also employ packet technologies and use

CA920000072US1   -7-

microbrowsers and the like to enable hand-held wireless devices to communicate with wireless web servers", **is not found** in either of the first two patent applications in the series of applications from which the present Dragosh application claims to be a continuation. The cited language first appears in the patent (USP 6,604,077) which issued on SN 10/067,464 filed on February 5, 2002. It appears that the 10/067,464 application was a continuation-in-part application which added new teachings. Since the filing date of the Dragosh patent application, from which the presently-cited Dragosh reference **appropriately** relies, is February 5, 2002, which is after the December 14, 2001 filing date of the present application, the cited Dragosh teachings are not available as prior art against the presently pending claims.

Applicant maintains the contention that the Boyle patent does not teach or suggest all of the features of the pending claims. The present application teaches and claims an apparatus and method for serving data employs a web server and a communications interface operable to enable the web server to send and receive messages on a wireless digital packet network, to act as a wireless web server. A method of serving data involves receiving a data request

CA920000072US1   -8-

message from a wireless digital packet network, requesting data from a wireless web server in response to the data request message and transmitting on the wireless digital packet network a response message including data produced by the wireless web server in response to the data request message. A method of requesting data from a server involves transmitting a message on a wireless digital packet network for use by a wireless web server operable to receive messages from the wireless digital packet network. Transmitting the message may involve producing a wireless digital packet network message containing a Transmission and Control Protocol/Internet Protocol (TCP/IP) message. The method may further involve receiving, from the wireless digital packet network, a message produced by the wireless web server.

Applicant respectfully maintains that the Boyle patent does not teach or suggest a wireless server; but, rather, teaches a link station for directly connecting to the server and for wirelessly communicating with the gateway and/or handheld devices to communicate server information thereto. The Boyle patent is directed to methods for pushing and pulling data in a computer network. Data are pushed from a source to a destination via an intermediate computer system.

CA920000072US1   -9-

With reference to Fig. 1, the intermediate computer system, link station 124, relays a user request to a server 130.1 and then transmits the server response to the user, directly to handheld device 120.2 or through a gateway 126 of a wireless network 125 to handheld device 120.1. The link station provides a browser proxy function and a messenger function for handling the communications (i.e., requests and responses).

The Boyle patent does not teach or suggest that the server can communicate wirelessly, or that the server has a built-in communication interface for conveying internet messages to and from the server using a wireless digital packet network. Rather, Boyle requires the link station to receive the server responses, convert them as necessary, and transmit them to the user destinations. The only wireless connection in Boyle is between the link station and the wireless network. Boyle neither teaches nor suggests a wireless web server with a wireless communications interface. The Examiner acknowledges on page 2 of the present Office Action that "Boyle et al fail to disclose that the Web server is a _wireless_ web server."

Further, as argued above, the Dragosh patent publication is not available as a reference as of the

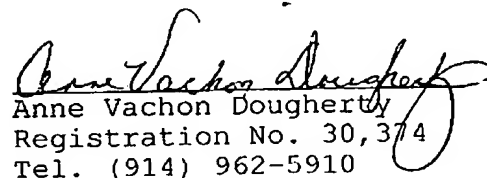CA920000072US1   -10-

original filing date of its first parent patent application. Rather, the earliest available filing date for the cited teachings that mention a wireless web server is February 5, 2002, which is after the present application was filed.

For a determination of obviousness, the prior art must teach or suggest all of the claim limitations. "All words in a claim must be considered in judging the patentability of that claim against the prior art" (In re Wilson, 424 F. 2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). If the cited references fail to teach each and every one of the claim limitations, a prima facie case of obviousness has not been established by the Examiner. Since the Boyle patent does not show each and every feature of the claimed invention, and since the Dragosh patent publication is not available as prior art, Applicant respectfully requests that the rejection based on 35 USC § 103 be withdrawn. Further, it is respectfully requested that the claims, Claims 1 and 6-18 be passed to issuance.

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CA920000072US1   -11-